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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,665	05/25/2001	Harald Apfelthaler	KWO-17902/01	9896
7590 01/13/2004			EXAMINER	
Ernest I. Gifford			COZART, JERMIE E	
Suite 400	and Avanua		ART UNIT	PAPER NUMBER
280 N. Woodward Avenue Birmingham, MI 48009			3726	
			DATE MAILED: 01/13/2004	9

Please find below and/or attached an Office communication concerning this application or proceeding.

4) Claim(s) 15-33 is/are pending in the application. 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 20-25 and 27-33 is/are rejected. 7) Claim(s) 26 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.				\mathcal{C}
## Examiner ## Definition Jermine Cozart 3728 ## Foriod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. □ Elarations of time may be available under the previsions of 3°C FR 1.136(a). In no event, however, may a reply be timely fitted. □ If the priod for reply is expelled above, the maintained and of CFR 1.136(a). In no event, however, may a reply be timely fitted. □ If the priod for reply is expelled above, the maintained priod of the priod with the third time of the priod of the communication. □ If the priod for reply is expelled above, the maintained priod of the priod will apply and will reply as \$(0) (M) 50 (a) 5		Application No.	Applicant(s)	
Jermie Cozart 3726	•	09/865,665	APFELTHALER, I	HARALD
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILLING DATE OF THIS COMMUNICATION. Extensions of them may be evaluate under the provision of 20°CR1. 1315(a). In no event, however, may a reply be timely filed at 181, 181, 181, 181, 181, 181, 181, 181	Office Action Summary	Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of lines may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a raphy be timely filed Extensions of lines may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a raphy be timely filed Extensions of lines may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a raphy be timely filed Extensions of lines may be available under the provisions of 37 CFR 1.35(a), and the statutory minimum of thirty (30) days will be considered timely. If No period for raphy is specified above, the maximum statutory period will apply and will expire 30 K(b) MONTHS from the melting date of this communication. Failus to reply within the set or examined patient for the melting date of this communication, even if simily filed, may reduce a try reader a try or the melting date of the communication, even if simily filed, may reduce a try reader and patient term adjustment. See 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filed on 08 October 2003. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 □ Claim(s) 15-33 is/are pending in the application. 4 □ Claim(s) 15-33 is/are pending in the application. 4 □ Claim(s) 25 is/are objected to. 5 □ Claim(s) 25 is/are objected to. 5 □ Claim(s) 25 is/are objected to. 6 □ Claim(s) 25 is/are objected to by the Examiner. 10 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9 □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Application is objected to by the Examiner. Note		Jermie Cozart	3726	
THE MAILING DATE OF THIS COMMUNICATION. Editions of time may be variable under the provision of 3 CPR 1.15(d). In no event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of this communication. In this period crypt specified date is the share harmonic of 3 CPR 1.15(d). In no event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of this communication. In this period crypt specified date is the share harmonic action of the communication. Fallule to reply within the set or extended period for reply will, by datulating, a class the period of the communication, even if filed, may reduce any search of the communication of the comm		op ars on the cover shee	et with the correspondence ad	dress
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	11)☐ The oath or declaration is objected to by the I	Examiner. Note the atta	ched Office Action or form P7	ΓΟ-152.
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. §§ 119 and 120			
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice	e of Informal Patent Application (PTC	

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DETAILED ACTION

Specification

- 1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Device for Installing Muntin Bars into a Frame.
- 2. The abstract of the disclosure is objected to because on line 8, it is suggested to change "or the like" to -or similar type fasteners- -. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 27 and 29-33 are objected to because of the following informalities: In claim 27, line 3, it is suggested to change "or" to - -and- -; In claim 29, line 1, it is suggested to insert - -a- - after "comprise"; In claim 30, line 2, it is suggested to - -to- - after "adapted", change "moved" to - -move- -, delete "the" preceding "movably", line 3, insert - -, - - after "devices", and delete "can be"; In claim 32, line 4, it is suggested to change "device," to - -device- -, delete "the" preceding "screwing", line 4, delete "process". Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 22, 23, and 27-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claim 22 recites the limitation "the latter ones" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

- 7. Claim 27 recites the limitation "said tie-bar bodies" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
- 8. Claim 31 recites the limitation "the frame" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim.
- 9. Claim 31 recites the limitation "the spacer frame profile" in line 7 of the claim.

 There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

- 10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 11. Claims 20, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Anderson (5,617,622).

AAPA discloses at page 1, lines 10-22 of the specification, a device such as by mounting tables and platforms for positioning a muntin within a spacer frame, and apparatus such as pneumatically operated hammer for arranging and fixing the muntin in the spacer frame.

AAPA, however, does not disclose a mounting frame, the mounting frame being inclined with respect to a vertical plane, tie-bars movably supported by the mounting

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frame for fixing and machining spacer frames of different sizes together with the muntin, the mounting frame being inclined between 0 and 90 degrees with respect to the vertical plane, a basis frame onto which the mounting frame is arranged, wherein the mounting frame is provided with at least one frame stretcher pivotally connected thereto so that that the mounting frame can be adjusted with respect to the vertical plane, or the basis frame comprise footings.

Anderson discloses a mounting frame (10), the mounting frame being inclined with respect to a vertical plane, tie-bars (28) movably supported by the mounting frame for fixing and machining spacer frames of different sizes, the mounting frame being inclined between 0 and 90 degrees with respect to the vertical plane, a basis frame (12) onto which the mounting frame is arranged, wherein the mounting frame is provided with at least one frame stretcher (42) pivotally connected thereto so that that the mounting frame can be adjusted with respect to the vertical plane meaning that once the frame is rotated in the vertical plane the frame stretcher allows the frame size to be adjusted, and the basis frame comprise footings (74). See column 6, line 21 – column, line 57, and Figures 1, 2, 6, and 8 for further clarification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the mounting table or platform of AAPA with a mounting frame wherein the mounting frame is inclined with respect to a vertical plane between 0 and 90 degrees with respect to the vertical plane, tie-bars movably supported by the mounting frame for fixing and machining spacer frames of different sizes together, to provide a basis frame having footings onto which the mounting frame is arranged

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wherein the mounting frame is provided with at least one frame stretcher pivotally connected thereto so that that the mounting frame can be adjusted with respect to the vertical plane, in light of the teachings of Anderson, in order to effectively assemble and form structural frames.

Allowable Subject Matter

- 12. Claims 22, 23, and 27-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
- 13. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

- 14. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.
- 15. If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to

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Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the 16. examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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